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June 23, 2004

David R. Saliwanchik

David R. Saliwanchik, Patent Attorney

TERMINAL DISCLAIMER  
Patent Application  
Docket No. ARYX-102XC4Z  
Serial No. 10/697,683

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner : Amelia A. Owens  
Art Unit : 1625  
Applicants : Pascal Druzgala, Peter G. Milner  
Serial No : 10/697,683  
Filed : October 29, 2003  
Conf. No. : 9820  
For : Novel Enantiomeric Compounds for Treatment of Cardiac Arrhythmias and  
Methods of Use

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

*filed  
processed*

TERMINAL DISCLAIMER

Sir:

Petitioner, ARYx Therapeutics, is the owner of the entire interest in and to the instant application. The Petitioner hereby disclaims, except as provided below, the terminal part of any patent granted on the above-identified application which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as shortened by any terminal disclaimer filed prior to grant, of U.S. Patent No. 6,683,195, and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent be the same as the legal title to the above-referenced patent, this agreement to run with any patent granted on the above-identified application and to be binding on the grantee, its successors or assigns.

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Docket No. ARYX-102XC4Z  
Serial No. 10/697,683

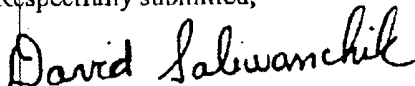
In making the above disclaimer, the petitioner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of the above-listed application in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, if found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is otherwise terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer filed prior to the grant of the patent.

The undersigned has reviewed all the evidentiary documents accompanying or referred to in the instant Terminal Disclaimer and it is certified that, to the best of the undersigned's knowledge and belief, title is in the Petitioner identified above.

The undersigned is the attorney of record.

I authorize you to charge the amount of \$55.00 (small entity) to Deposit Account No. 19-0065.

Respectfully submitted,



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